

Testimony to House Human Services
Testimony on S.9 on Behalf of the VT Parent Child Center Network, Lund and Lamoille Family Center
March 26, 2015

To: Representative Ann Pugh
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Attachments: Electronic Documents

- Written Testimony
- VPCCN 2015 Platform
- Strengthening Families Pilot Sites – Results to Date
- Research Behind Strengthening Families Framework

The goal of the bill S.9 is to improve Vermont’s child protection responses. Beginning with the Senate-passed version:

• What sections do you think are essential in meeting this goal?

Section 19 AGENCY OF HUMAN SERVICES; EVIDENCE-INFORMED MODELS

The Secretary of Human Services shall identify and utilize evidence-informed models, **including the Strengthening Families Protective Factors Framework,** of serving families that prioritize safety and prevention through early interventions with high risk families. The Secretary shall make recommendations in the FY2017 budget that reflect the utilization of these models.

Section 14 - which addresses who can be present at a confidential juvenile hearing. This clarification to existing law will enable individuals that have important information relevant to the Family Court case to request that they be heard.

Section 16 - which speaks to the hierarchy in temporary hearings for the placement of children. This change will enable the decision maker to decide placement based on the best interests of the child. We believe that this will enable decision making to be child centered and while often times the decision will fall in line with current practices; this change informs practice on what is most important in the process.

• What pieces are helpful but not essential?

No comment on this question

• What is missing to move the state towards reaching its goals?

Prevention and Early Intervention: In order to achieve the goal of Vermont's child protection response it is essential that we focus on prevention and shoring up the existing services system structure. While Vermont has made great strides in becoming results driven by adopting Results Based Accountability as a framework for all AHS contracts, we have continued to level fund and cut existing services while increasing expectations. The best way to protect Vermont's children is to prevent them reaching the level of need that they are reported the child protection services.

• **From your perspective, what sections should be amended in order to move us towards this goal?**

Section 3 - Failure to Protect: The language does not move us toward the goal of protecting children and should be removed from the bill.

The Vermont Parent Child Center has agreement on the following statement regarding Sec. 3:

The Vermont Parent Child Center Network believes that all people have a moral obligation to report child abuse and neglect. However when the person who sees the abuse and neglect is in fear for their own life or fears more abuse if the report is made, special consideration should be given. The dynamics of domestic violence are such that to blame and criminalize the victims will only serve to place children and adult victims at further risk by instilling fear and distrust of the system that is in place to protect them. **Criminalizing parents who are victims of domestic violence could keep victims from coming forward at the time when they most need assistance, and may also put children at greater risk.**

We believe that the attempt to address this concern with the addition of the affirmative defense is inadequate to protect the children and adult victims from further injury.

Section 6 - clarifies what special investigation units "shall" and "may" investigate. It is confusing that "possible death" is in the section of "may" investigate. We feel that it should be moved to the "shall" investigate portion.

Section 10 - refers to amending the definition of "risk of harm" to include substance abuse related incidents such as not providing developmentally appropriate care or supervision of a child because of substance use. While the intention of the drafting committee is clear, the unintended consequences of this section could result driving those needing help further into secrecy and shame and subsequently putting children further at risk. Substance abuse is a growing problem in our state, taking a punitive response to addiction is ineffective. Our prisons are already overflowing with people incarcerated for non-violent crimes related to their substance abuse addiction. We only need to look at the Department of Corrections data to know that this is not the answer. Substance abuse is a disease that has significant costs to our state including child safety and well being, if we truly want to turn the curve on this troubling

trend, we need to provide the treatment and prevention services that move families out of the cycle of addiction.

Section 12 - which is the mandated reporter section and talks about access to information, we have questions about re-disclosure. The section says that the individual that receives the information may not disclose it to anyone else and could be charged with a crime if they are. It is unclear how that will work in schools or programs that have treatment teams and the “team” needs the information.

We are concerned about the privacy of the child in this section as well. While we agree that in general we need to be much better about sharing information, there is a lot of discretion allowed in this section and in some cases having more people have information is not necessary and feels violating to the family and child, particularly in cases that are unsubstantiated or in that the non-offending parent is subjected to their information also being disclosed.

Section 13 - refers to records that have been given to DCF being re-disclosed, we have questions about how this will address HIPPA, FERPA and 42CFR laws re-disclosure.